

HOUSE BILL 392

By Garrett

AN ACT to amend Tennessee Code Annotated, Title 10,  
Chapter 7; Title 18, Chapter 1; Section 18-6-109  
and Section 32-2-102, relative to records.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 18-6-109, is amended by adding the following as a new subsection:

(c) As used in this section, "suitable facility" means a facility that stores local government records securely against theft and natural disasters.

SECTION 2. Tennessee Code Annotated, Section 18-6-109(a)(2), is amended by adding the language "or other suitable facility" after "clerk's office".

SECTION 3. Tennessee Code Annotated, Section 32-2-102, is amended by deleting the section and substituting instead the following:

(a) Except when a will is before the court awaiting the determination of any controversy, an original will must remain in the clerk's office of the county where the will is proved or exhibited, or other suitable facility as provided in subsection (b), and any person may have access to it, as to other records.

(b)

(1) The clerk may transfer, as provided in subdivision (b)(2), all original wills in the clerk's possession for which at least three (3) years have elapsed since final settlement of the estate or final disposition of all actions involving the will.

(2) A will transferred pursuant to subdivision (b)(1) must be transferred to a county archive facility or any other suitable facility that:

(A) Stores local government records;

(B) Is secure from theft and natural disasters; and

(C) Has been approved by the judge of the respective court and the county public records commission.

(c) For the purposes of subsection (b), "final disposition" means that judgment has been entered and the appeal times have lapsed for all parties.

(d) The clerk of the court shall keep a record of each will that is transferred pursuant to subsection (b). The record must indicate the name of the testator, the date of transfer, and the location to which the will was transferred.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.